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A DIALOGUE

BETWEEN

Isaac Walton and *Homologistes*:

IN WHICH

THE CHARACTER

OF

BISHOP SANDERSON

Is defended against the AUTHOR of the

CONFESSIONAL.

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— — *Vagae ne parce malignus arenae*
Ossibus et capiti inhumato
Particulam dare.

HORAT. Carm. I. xxviii.

LONDON:

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MDCCLXVIII.

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MVSEVM
BRITAN
NICVM

ADVERTISEMENT.

THE Parliament in 1649 *framed an oath of Engagement to the new Government, and early in the next January enacted that it ſhould be generally taken. At the end of the year* (1650) *Dr. Sanderſon was conſulted by a Royaliſt concerning the lawfulneſs of taking it; and by his anſwer to this queſtion he hath lately incurred the following cenſures:*

That what he hath given as the more probable ſenſe of the Engagement is evidently not ſo:

That he himſelf did not believe his conſtruction of it to be ſuch as the impoſers intended, or would allow:

That, if his queriſt was doubtful about the meaning of it, he ought in conſcience to have referred him to theſe impoſers:

That in reaſoning upon the Engagement he is inconſiſtent with his own doctrine concerning the Covenant:

That the deſign of his tract on the Engagement was to encourage prevarication with a ſtate-oath among the friends of the exiled King.

As theſe cenſures, which are to be found in the Confeſſional between page 299 *and* 313 *of the ſecond edition, affect the moral character of Biſhop Sanderſon; the writer of the following Dialogue was ſolicitous to examine how far they are well grounded: and, having firſt made the enquiry for his own ſatisfaction, he now lays it before the Public; in hopes that it may give ſome little content to thoſe humane readers, who had rather that any one, and eſpecially one who hath the reputation*

reputation of a good man, ſhould be proved innocent than guilty.

The writer of the Dialogue has introduced Iſaac Walton, who compoſed the Life of Biſhop Sanderſon, as one party in it: to the other he hath given the name of Homologiſtes; and as far as the Confeſſional is reſponſible for any thing ſaid by him, it is either referred to, or quoted.

It is not very material whether the Queriſt were an old friend of Dr. Sanderſon's or not; but it ſeems more probable that he was; and the only reaſon for doubting it ariſes from this paſſage in the Caſe:

"I could not think it fit, nor conſiſtent with that "civility which is to be uſed, eſpecially towards ſtran-"gers, to ſend back your meſſenger without the return "of ſome kind of anſwer."

But here the Stranger *ſeems to be the meſſenger; to whom, though a ſervant, a regard was due for his maſter's ſake, and his apparent fidelity to him; and who, having made a long and tireſome journey, could not civilly be ſent back without his errand.*

If the words are made to relate to the maſter; they ſeem to imply, what it is not likely Dr. Sanderſon could mean, that it was fitter to grant a requeſt of this ſort, becauſe the petitioner was a ſtranger, than if he had been a friend.

It may therefore fairly be concluded from the truſt which Dr. Sanderſon repoſes in the prudence of his Correſpondent, and his ſubſcribing himſelf his Loving Friend, *that he was writing to one whom he well knew and valued.*

A DIALOGUE

A

DIALOGUE

BETWEEN

ISAAC WALTON and HOMOLOGISTES,

Concerning Biſhop SANDERSON.

ISAAC WALTON.

THUS far I have ventured from my peaceful abode to attend upon Biſhop Sanderſon, and wait the event of his appearing again on earth. But after the repoſe of a century, why is he thus diſquieted and brought up? He was loved by the virtuous and good, admired by the learned, honoured by his Sovereign, and by the [a] Parliament which oppoſed that Sovereign; and was indeed ſuch a "[b] Pattern of meekneſs and primitive innocence," that it was not without reaſon he hoped in his laſt hours, [c] "that he ſhould die without an enemy."

[a] Wood's Athen. Oxon. vol. ii. c. 318.

[b] Walton's Life of Bp. Sanderſon, p. 49. [c] Ib. p. 47.

HOMOLOGISTES.

The incomparable perſon, before whom he ſtands, hath too much candour and chriſtian benevolence to be any man's enemy; but he is a friend to truth; to which he would gladly fetch home the church of England, that has departed from it. And in purſuance of this excellent deſign he hath found it neceſſary to ſend *citations* not only to Dr. Robert Sanderſon, but to Whitgift and others, who were of higher dignity, or have ſlept longer in their graves.

WALTON.

I find then, he may poſſibly receive the honour of diſgrace in good company. But it equally puzzles me to gueſs why that venerable old man is alſo cited. With your friend, of whoſe candour and chriſtian benevolence you ſpeak ſo highly, it certainly cannot be Whitgift's crime, "[a] that he was a man of the primitive temper, ſuch a temper, as when the church by lowlineſs of ſpirit did flouriſh in higheſt examples of vir-

[a] Sir Henry Wotton's Character of Archbiſhop Whitgift. Remains p. 172.

tue,"

tue," or,[a] "that he devoutly conſecrated both his whole life to God, and his painful labours to the good of his church."

HOMOLOGISTES.

We have more than one offence to alledge againſt Whitgift, beſides that he was an Archbiſhop of Canterbury. And from that quarter we have found ſuch obſtruction to the truth, either by perſecution of pious reformers, or at leaſt by the brow-beating of all reformation, that we are under a neceſſity of calling many, who have preſided in that See from the days of Elizabeth downwards, to a pretty ſtrict account.

WALTON.

I perceive, Sir, in quality of reformers, your powers of *viſitation* are extenſive; and that perſons, characters, facts, doctrines, and rights, fall equally under your cognizance. Doubtleſs you have well conſidered the office which you have undertaken; and I need not remind you, to whom you ſtand accountable for the juſtneſs of your deciſions in every branch of it. Yet ſince malice of heart is leſs excuſable than er-

[a] Mr. Camden's Character of Whitgift. Camd. Brit. ſub Cantio p. 239. Fol. See Walton's Life of Hooker. p. 23. Fol. 1723.

rer of judgement, give me leave juſt to hint the counſel once given by a great reformer, [a] To accuſe no man falſely.

HOMOLOGISTES.

Do you ſuſpect, Sir, that we proceed upon the plan of St. Jerom, who followed the great Roman [b] Orator ſo cloſely, that he "paid little regard to truth, when he had a controverſial point to carry?" We examine fairly, weigh maturely, and pronounce candidly. If theſe great Primates are cenſured as freely as other men, it is, becauſe upon a careful inquiry we have found, that they richly deſerve it.

WALTON.

I hope you are not "reforming backwards to popery;" and that Mr. Phillips did not ſtep before you as your Squire.

HOMOLOGISTES.

What reaſons have you for ſo injurious a ſuſpicion?

WALTON.

Only an odd incidence of circumſtances. I am told, that he lately flouriſhed his lance at the

[a] Luk. iii. 14.

[b] See the character given of St. Jerom, Confeſſional p. 365. ſecond edit.

firſt

firſt proteſtant Archbiſhop of Canterbury; and now you advance forward to maul his ſucceſſors. The Squire has opportunity given him to do the worſt he can; while the champion amazes the public with his target of braſs, and weaver's beam.

HOMOLOGISTES.

I wiſh the church of England in general deteſted the religion of Father Phillips as much as we do. But it is [a] "edging back once more towards popery," from which we would ſet it at a greater diſtance.

WALTON.

If a bare ſurmiſe appeared ſo injurious to you, may not your aſſertion be deemed equally ſo to the church of England? Eſpecially as I am perſuaded, there is as little foundation for the one as the other; and I might undertake to ſhow by as concluſive arguments, that your ſcheme is "nearly related to a Cardinal's hat," as you can produce, to prove this church is "hankering after popiſh ſuperſtition." But let me not trifle with high and dignified characters, but rather inquire, by what means

[a] Confeſſional p. 289.

you

you would better ſecure the good people of England againſt popiſh deluſion. Would you repudiate the elder ſiſter, and eſpouſe them to the younger, the church of Scotland?

HOMOLOGISTES.

The church of Scotland by following ſage counſels, that is, ſuch counſels as we approve of and give, had once an opportunity of becoming [a] "The wiſeſt church in Europe." But while ſhe retains, as ſhe now ſeems to do, the whole Weſtminſter confeſſion of faith, [b] every article of which, except one or two paſſages, might better be ſpared; her claim is inadmiſſible. For a [c] formal ſubſcription to confeſſions is—a yoke which neither we nor our fathers have been able to bear.

WALTON.

If I am able to form any juſt conceptions concerning your ſcheme of reformation, [d] it is deep, and big with conſequences. But whether

[a] Confeſſional p. 405. Note upon Note. [b] See Ib.

[c] See Ib. p. 16.

[d] "The Confeſſional contains many paſſages—which in a word ſtrike at the root not only of our own, but of all religious eſtabliſhments, and with eſtabliſhments at the root of all order in religion;" ſays the candid author of *An Eſſay on Eſtabliſhments in Religion.* See p. 48.

the

the adopting of it would promote the intereſts of religion and ſociety, or whether your governours ought to gratify you in making the experiment, I leave to be conſidered by the wiſe and learned; and will only obſerve what I collect from a little plain experience, that it is calculated, not to defend this kingdom againſt the overflowings of the Tiber, but rather to break down the mounds which now reſtrain them. For I lived in times which gave a pretty fair and full trial to ſuch a ſtate of religion as would be the conſequence of your plan; when, union and order being diſſolved, " [a] Every man projected, and reformed, and " did what was right in his own eyes. No " image can better expreſs ſuch a condition, " than that of a dead animal in a ſtate of " putrefaction; when inſtead of one noble " creature, as it was when life held it toge- " ther, there are ten thouſand little nauſeous " reptiles growing out of it, every one crawl- " ing in a path of its own."

The great advantage, which the church of Rome hath had all along over the reformed churches by its union and their diſunion, was

[a] Mudge's Sermons. Serm. On the Evils of Anarchy. p. 86.

much

much increaſed by this diſtracted ſtate of religion in England. [a] For popery, artfully concealing her own diviſions, urges your diſagreements, variations, and repugnances of doctrine, in evidence that the truth, which is ſimple and conſiſtent, is on her ſide. If you ſtill ſplit and ſubdivide your ſects, which ſhe will be ready underhand to aſſiſt you in doing, you render this argument more plauſible, and give force to many others, with which ſhe applies herſelf to minds more pious than judicious. One little party of proteſtants borders upon and interferes with another, of which it is more jealous than of the common adverſary. And while they are diſagreeing among themſelves, and either leave this adverſary unmoleſted, or oppoſe him without harmony and conſent, papal Rome prevails, as [b] imperial Rome did over the Britons of old.

[a] Mr. Camden, in his Annals of Queen Elizabeth, under the year 1583, ſpeaking of the Schiſms amongſt the Engliſh Proteſtants of that Time, ſays: "Pontificiis plaudentibus, multoſque in ſuas partes pertrahentibus, quaſi nulla eſſet in Eccleſia Anglicana unitas."

[b] Tacitus in the Life of Agricola, C. xii. gives this account of the Britons:

"Per principes factionibus et ſtudiis trahuntur. Nec aliud adverſus validiſſimas gentes pro nobis utilius, quam quod in commune non conſulant. Rarus duabus tribuſve civitatibus ad

But perhaps you think that confeſſions of faith and eſtabliſhments in religion are the partition walls which keep you aſunder; and if theſe were entirely taken away, that amity and concord would reign among proteſtants. It may be ſo, if human nature is ſince rectified and improved; but in my days the event was quite contrary, and the policy of Rome ſaw the benefit accruing to its cauſe, when the eſtabliſhment of a great reformed church was broken in pieces. [a] Since the reign of Queen Mary ſhe never rejoiced over England ſo much or diſplayed ſo many trophies of victories acquired.

What ſtand was then made againſt Popery, was made chiefly and almoſt wholly by the epiſcopal clergy, [b] according to Biſhop Sanderſon; who ſolemnly and publicly affirmed thus much, in times not favourable to him or his cauſe, that is, in the year one thouſand ſix hundred and fifty ſeven.

ad propulſandum commune periculum conventus; ita dum ſinguli pugnant, univerſi vincuntur."

[a] Preface to Bp Sanderſon's Sermons p. 78. Kennet's Hiſt. of England under the year 1649. Archbiſhop Uſher's Letters p. 611, and Appendix p. 27. Second Collection of Hickes's Letters, p. 120.

[b] Preface to Bp Sanderſon's Sermons, p. 77.

HOMOLOGISTES.

Whatever he may have affirmed, or with whatever ſolemnity, his word will not paſs with us. For to come now more directly to your main queſtion, he ſtands charged with juſtifying prevarication.

WALTON.

If wonder at what is done or ſaid on earth were a paſſion to which we were much liable in my preſent abode, I ſhould a little admire at this accuſation. I knew him well, converſed often with him; and after his deceaſe enquired farther into the circumſtances of his life, in order to write it; which I did, with affection indeed to the man, but with no leſs affection to truth. But ſo little did I ſuſpect what you have charged him with, that I particularly honoured his ſteady adherence to what he judged right and true, under a long train of diſtreſſes to which it expoſed him. What covered thing, or word ſpoken in darkneſs is now to be revealed?

HOMOLOGISTES.

His guilt might have been detected long ago, if perſons of equal ſagacity and judgement had ſet themſelves to examine the doctrine

doctrine which he has advanced, in a caſe that he determined concerning the Engagement enjoined by the Parliament in the year 1650.

" [a] Many, without doubt, ſays Dr. Waterland, " have been guilty of prevaricating with ſtate " oaths, but nobody has yet been found ſanguine enough to undertake the defence of it " in print.

" This caſe of conſcience, however, was " in print before Dr. Waterland was born; " and what is more, he knew it was."

WALTON.

Give me leave to doubt, whether Dr. Waterland's obſervation is refuted by this inſtance, ſuppoſing Dr. Sanderſon to be guilty. For the inſtance is from a private letter. And certainly a perſon of your candour does not mean to inſinuate, that he either publiſhed this letter himſelf, or by any thing that appears [b] ever intended it for the preſs. It was firſt printed, if I remember right, in 1668, ſix years after his death, with the *Caſe of a raſh vow*; then added to five other caſes before publiſhed; the

[a] Confeſſional, p. 310.

[b] He forbad the printing of any of his papers after his death. Wood's Athen. v. 2. col. 320.

number of which was afterwards increaſed to nine, by thoſe who had picked up the ſcattered manuſcripts.

HOMOLOGISTES.

Whether from the preſs, or in a private letter, the doctrine however is the ſame. A Friend of his diſpoſed to temporize by taking the Engagement, if he could receive ſome comfortable advice on this head, found in the Dr. a willing caſuiſt; [a] Who "to encourage "it the more, tells the queriſt, that whenever the preſent force was ſo removed from "the taker (of the Engagement) or he from "under it, as that he ſhould have power to "act according to his allegiance, the obligation "would of itſelf determine and expire. A "ſort of doctrine, that ſeems rather to have "been born and bred at Liege or St. Omers, "than at Oxford."

WALTON.

Theſe words I remember are Dr. Sanderſon's; but they are a part only of a ſentence, not a ſentence by themſelves; the whole of which may perhaps come forth in the courſe of

[a] Confeſſional, p. 312.

our

our conference; and then it will appear, that he but propoſes conditionally, what you make him poſitively affirm. This, I ſuppoſe, is not unfair repreſentation; for ſuch arts belong to Liege and St. Omers; but a flower of oratory gathered perhaps in St. Jerom's garden, and valued for the ſake of an ancient Father.

HOMOLOGISTES.

There is no need of oratory on the preſent occaſion; a plain tale will ſuffice to ſhow our notable caſuiſt in his proper colours.

[a] "The Puritans having, by oppoſing the "attempts of their adverſaries with ſpirit and "vigour, got the upper hand, it came to their "turn to impoſe terms and conditions upon "thoſe, who had formerly put the like hard-"ſhips upon them.

"This occaſioned a great demand among "the Royaliſts for caſuiſtical Divinity, and "ſalvoes of ſeveral kinds; in which myſtical "ſcience the moſt eminent adept was Dr. "Robert Sanderſon, afterwards Biſhop of

[a] Confeſſional, p. 299.

In theſe extracts from the Confeſſional ſome little liberty is here and there taken with regard to particular words, in order to connect, but with no deſign of altering, the ſenſe of the paſſages quoted.

"Lincoln:

" Lincoln: a venerable character, which has " deſcended with much eſtimation even to " the preſent times; inſomuch that, I ſuppoſe, " few people, who ſhould fall into any of " thoſe dilemmas, from which he provided " ways to eſcape, would ſcruple to abide by " his judgement.

" Among other caſes of different kinds, a " queſtion was put to this able caſuiſt, whether " a Royaliſt, who had taken the oath of alle- " giance to King Charles I. might conſcien- " ciouſly take the Engagement, injoyned by " the Parliament in the year 1650, which " ran in theſe words:

" I A. B. do promiſe, that I will be true " and faithful to the Commonwealth of Eng- " land, as it is now eſtabliſhed without King, " or Lords." ****

The Dr. out of [a] certain " diſtinctions works the two following ſenſes of the Engagement," the one ſtricter, the other more moderate. The ſtricter is this: " I acknowledge the ſo- " vereign power of this Nation, whereunto I " owe allegiance and ſubjection, to be rightly

[a] Confeſſional, p. 307.

ſtated

" ſtated in the houſe of Commons, wherein
" neither King nor Lords (as ſuch) have, or
" henceforth ought to have, any ſhare. And
" I promiſe that I will perform all allegiance
" and ſubjection thereunto; and maintain the
" ſame with my fortunes and life, to the ut-
" moſt of my power."

The more moderate is the following:

" Whereas, for the preſent, the ſupreme
" power in England [under which power I
" now am] is actually poſſeſſed and exerciſed by
" the houſe of Commons, without either King
" or Lords; I promiſe that, ſo long as I live
" under that power and protection, I will
" not contrive or attempt any act of hoſ-
" tility againſt them; but living quietly and
" peaceably under them, will endeavour my-
" ſelf, faithfully in my place and calling, to do,
" what every good member of a Commonwealth
" ought to do, for the ſafety of my country,
" and preſervation of civil ſociety therein *."

* In this light Mr. Neal conſiders the Engagement: " The
" body of the common people being weary of the war, and
" willing to live quiet under any adminiſtration, ſubmitted
" to the Engagement, as being little more than a promiſe not
" to attempt the ſubverſion of the preſent government."
Neal's Hiſtory, Vol. IV. p. 10. 8vo Ed. 1738.

The

The Dr. having [a] "squeezed" this latter ſenſe out of the words of the Engagement, endeavours to prove that it was more probably the ſenſe of the Impoſers than the other, [b] clearly contrary to the natural meaning of this ſecurity, and to the [c] intention of the Impoſers; [d] evidently contrary to what he himſelf really thought of it; [e] and his manner of ſatisfying his queriſt is neither ſuch as conſcience and good faith require; nor [f] very conſiſtent with his own judgement, four years before, concerning the taking of the Covenant. And thus he is [g] ſanguine enough to defend prevarication with ſtate oaths; and that the friends of Monarchy might [h] equip themſelves for poſts of truſt and power by paſſing through the Engagement, to grant them a [i] diſpenſation to take it.

WALTON.

Here is a heavy charge indeed exhibited, which I hope you will not be able to prove, againſt Biſhop Sanderſon; or elſe, farewell to the reputation, which he acquired, and which, as yet I believe, he merited. Your charge

[a] Confeſſional, p. 307. [b] Ibid. [c] Ibid. p. 309.
[d] Ibid. p. 309. [e] Ibid. p. 304. [f] Ibid. p. 302.
[g] Ibid. p. 310. [h] Ibid. p. 311. [i] Ibid. p. 310.

would

would hardly leave him common ſenſe, if he could not diſcover what was ſo plain in itſelf, that the Impoſers of the Engagement never intended it to be taken in the lower meaning which he has affixed to it. But being kind enough to ſave his judgement, at the expence of his ſincerity, you aſſert, it is evident, that the Dr. himſelf did not believe this to be their intention.

HOMOLOGISTES.

Yes, Sir, this may be ſafely affirmed. For [a] " did Dr. Sanderſon really think, that the " powers then in being were ſuch fools and " triflers, as probably to intend to put no other " but this lower ſenſe on the Engagement, " or inded to allow of that ſenſe at all ?"

WALTON.

I can collect no more from this queſtion, than that you yourſelf think it wiſe and important to bind the conſcience of the ſubject as tight as may be; but I hope only to civil powers.

Dr. Sanderſon thought otherwiſe. He was well ſatisfied, that the rulers of that time were

[a] Confeſſional, p. 309.

wiſe and able politicians, and from thence inferred, that they were diſpoſed to ſecure the obedience of the people by acts of moderation; and to gain upon their affections, and ſoften their averſions to a new form of government by gentle proceedings, which uſually are moſt ſucceſsful, and ſeem to have been highly expedient at that juncture in particular.

They, "who know the hiſtory of thoſe times," muſt know, that the ſitting Members were but a ſmall part of the whole Parliament: and that not being forward to readmit thoſe whom they had excluded, or to fill up their places by new elections; [a] a jealouſy, that they intended to perpetuate themſelves, was working in the army, the great ſupport of their authority, as well as among theſe excluded members, and in other parts of the community. It was prudent therefore to exact only ſuch ſecurity for their power, as would leaſt inflame this jealouſy of their deſign. But beſides a national ſuſpicion, they had to deal with two large parties of men, neither of which according to their prin-

[a] Bates Elenchus Motuum. Part II. p. 5. Whitelock's Memorials, p. 436, Ed. 1732. Walker's Hiſtory of Independency. Part II. p. 161, 207.

ciples

ciples and oaths could acknowledge a Commonwealth to be *de jure*. The Royaliſts, though ſubdued, were numerous; the Covenanters were both numerous and powerful. A government of politicians would well conſider, whether they ſhould impoſe ſuch terms upon theſe two parties, as might drive the former to deſperation, and utterly irreconcile the latter; or only ſuch as might ſecure to them the ſubmiſſion of both. The latter ſeems evidently the wiſer meaſure; and hence a high probability, that they were contented, this lower ſhould be the declared ſenſe of the Engagement. In this ſenſe it would ſufficiently bind the conſciencious to ſubmiſſion; and of what real ſervice was it, to urge ſuch men any further?

[a] "A man of principle will never be driven "to make uſe of quirks and ſubtilties, till he "finds himſelf bound to ſome unreaſonable "and unrighteous conditions. And they, who "deſire ſuch quirks and ſubtilties ſhould not be "made uſe of, ſhould be careful not to lay "ſnares or ſtumbling blocks in the way of

[a] Confeſſional, p. 197.

" honeſt men, that they may be under no " temptation to prevaricate."

HOMOLOGISTES.

" The latter part of this obſervation we " readily allow." But [a] the arguments, which Dr. Sanderſon brings " to prove that this " lower was more probably the ſenſe of the " Impoſers than the other, can be looked " upon in no better light, than of an attempt " to inſult the common ſenſe of all mankind."

WALTON.

However let me have leave to repeat ſome of theſe reprobated arguments. Perhaps, Sir, upon a ſecond hearing, you may be able to extend the candid approbation to a few of Dr. Sanderſon's reaſons, with which you have favoured a part of mine.

The point at preſent before us is, whether there is any good ground for believing, that the lower ſenſe of the Engagement was more probably the declared ſenſe of the Impoſers of it? And with the arguments which he brings in ſupport of this opinion I ſhall take the liberty to intermix a few obſervations of my

[a] Confeſſional, p. 308.

own,

own. One argument is this: [a] "That it "hath been often affirmed, both publicly "and privately in ſeveral parts of the kingdom "(if we may believe either common fame, or "the reports of ſundry credible particular "perſons) by thoſe that have perſuaded or "preſt others to ſubſcribe; that the ſame is "the very true intent and meaning of it, "and no other."

An affair happened, juſt ten months before the anſwering of this caſe, that afforded a very ſubſtantial reaſon for affirming thus much; and it was of ſo public, and at that time of ſo intereſting, a nature, that it muſt be generally known.

[b] In February 1649-50, Fairfax, then General of the army, ſubſcribed the Engagement, as one of the council of ſtate; and he ſubſcribed it in his own ſenſe. As he was a friend to monarchy, both [c] by inclination, and the

[a] Caſe, p. 107. [b] Whitelock's Memorials, p. 442.

[c] See *Short Memorials of Thomas Lord Fairfax written by himſelf*, London 1699, 8vo. "If you find me carried on "with this ſtream, I can truly ſay, it was by the violence of "it, rather than my own conſent." p. 108. "This way "being made by the ſword, the trial of the King was eaſier "for them to accompliſh. My afflicted and troubled mind "for it, and my earneſt endeavours to prevent it, will, I "hope,

ties of the [a] Covenant, his own ſenſe muſt have been very near allied to this lower ſenſe. But Fairfax's ſenſe of the Engagement, you will ſay, was not the ſenſe of the Parliament, the Impoſers of this oath. If it was not originally, they made it ſo by their own declaration; for the Houſe voted—That his taking of it in that manner, was a taking of it within the late act for ſubſcribing of the Engagement.

" hope, ſufficiently teſtify my diſlike, and abhorrence of the " fact." p. 121. " All the power being got into the army, " they cut up the root of kingly government; after this were " engagements made to aboliſh that title. Then was war " declared againſt Scotland for aſſiſting the King, and ſeveral " leagues made with foreign princes to confederate with " their new government, which was now a commonwealth, " againſt the kingly power. All this I ſaw with grief and " ſorrow, and though I had as much the love of the army as " ever, and was with great importunity ſolicited by that " remaining parliament and ſoldiers to continue my com- " mand; and though I might, ſo long as I acted their deſigns, " have attained to what height of power and other advantages " I pleaſed; yet by the mercies and goodneſs of God, I did, " ſo long as I continued in the army, oppoſe all thoſe ways " in their councils, and when I could do no more, I then de- " clined their actions." p. 126.

[a] See the third article of the Covenant. The Parliament, in anſwer to Charles the ſecond's Letter to them from Breda, ſpeaking of Charles the firſt, declare, that they " had vowed " and covenanted for the defence and ſafety of that Perſon."

Clarendon's Hiſt. Vol. III. p. 592. Fol.

That Fairfax had taken the Covenant, we are expreſsly told by Sir Philip Warwick in his Memoirs. See p. 362.

They

They likewiſe ordered that the Speaker ſhould ſend that vote to the General in a letter.

But let us hear Dr. Sanderſon again: "If "the Impoſers had been minded to have de- "clared an intent of binding to more, they "might eaſily have framed the words, ſo as "not to be capable of a conſtruction binding "to leſs."

In this intent of binding to more they could be explicit enough, when they were ſo minded; as appears by the following Engagement of a later date:

[a] "I A. B. do hereby declare, that I do "renounce the pretended title of Charles "Stuart, and the whole line of the late King "James, and of every other perſon, as a ſingle "perſon, pretending to the government of theſe "nations of England, Scotland, and Ireland, "and the dominions and territories thereunto "belonging: and that I will, by the grace and "aſſiſtance of Almighty God, be true, faith- "ful, and conſtant, to this Commonwealth, "againſt any King, ſingle perſon, and Houſe "of Peers, and every of them; and hereunto "I ſubſcribe my name."

[a] Whitelock's Memorials, p. 683.

The

The paſſing of this latter Engagement was ten years after the former. And even then the Parliament did not venture at once to impoſe ſo abſolute a renunciation of Monarchy, and acknowledgement of their own ſovereignty (this Commonwealth) upon the nation in general; but were content that it ſhould be taken by [a] members of Parliament, [b] officers of the army, and other perſons in places of truſt. The higher tone, in which it ſpeaks, illuſtrates another obſervation of Dr. Sanderſon, which you will hear preſently in his own words: that governors, who come in upon ſuch a footing and with ſuch a title as theſe did, are apt to recommend themſelves by moderation and indulgence in the outſet of their power.

Dr. Sanderſon proceeds: 'That (as it is alſo credibly reported) whilſt the form of the words was under debate, the opinion of thoſe, that would have had it ſet higher, was not followed, as held unſeaſonable; and the vote carried for the more moderate expreſſion wherein it now ſtandeth.

[a] Salmon's Chronologic. Hiſt. 2d Jan. 1659-60.
[b] Whitelock's Mem. p. 683. [c] Caſe, p. 108.

HOMO-

HOMOLOGISTES.

Here let me remark that the force of this reaſon depends upon a fact, concerning which Dr. Sanderſon does not venture to affirm more, than that it was credibly reported.

WALTON.

It is very true, Sir, he does not; which ſurely is an argument of ingenuous as well as cautious proceeding. He would not deceive his queriſt by aſſerting beyond his knowledge; and, I believe, it was his conſtant maxim, a maxim well worth obſerving, not to be poſitive in affirming but upon clear evidence.

Yet certainly the report had all the credibility, that is aſſigned it. For among the ſitting members of that very parliament there were ſome perſons of great abilities, weight and eminence, who conſidered their commonwealth as a temporary, not an eſtabliſhed, polity; and judged that without a mixture of Monarchy it would be very difficult ſo to ſettle the government of this nation as not to ſhake the foundation of our laws, and the liberties of the people. Dec. 10th, 1651, there was a meeting at the Speaker's houſe by deſire of Cromwell, who then held it neceſſary "to come

" to a ſettlement of the nation." And here Mr. Lenthal the Speaker concurred with Mr. [a]St. John the chief Juſtice, Sir Thomas Widdrington, and Mr. Whitelock; who declared themſelves ſtrongly in favour of a mixed Monarchy. Nor could the two latter have any view of gratifying the ambition of Cromwell in thus giving their opinion, but rather ran ſome riſque of diſpleaſing him by their propoſal of calling in a ſon of the late king's upon proper terms. Men of ſuch ſentiments would uſe their endeavours, that the wording of the Engagement ſhould be moderate, and would vote for it in the lower ſenſe, that they might not bind up their hands from promoting, on a proper occaſion, ſuch a ſettlement, as they deemed neceſſary for this kingdom.

Others might be induced to take the moderate ſide of the queſtion on ſuch conſiderations as have been already ſuggeſted, but of which you will permit me to give you a fuller view in Dr. Sanderſon's own words.

[b] " That it is a received maxim of political

[a] Life of Whitelock, among the Lives of the Lord Chancellors, p. 146. Whitelock's Mem. p. 516.

[b] Caſe, p. 108.

prudence,

" prudence, for all new governors (eſpecially
" thoſe that either introduce a new form of
" government, or come in upon a queſtionable
" title) to abſtain from all harſh proceedings,
" even againſt thoſe, whom they know to be
" evil affected to their power, and not ſo much
" as to exaſperate them (though it be in the
" power of their hands to deſtroy them) eſpe-
" cially in the beginning of their government,
" but rather to ſweeten them into a better
" opinion of their perſons, and to win upon
" them by acts of grace and oblivion (for Re-
" miſſius imperanti melius paretur. Senec. 1.
" De Clem. 24) ſo as they may have but any
" tolerable kind of aſſurance from them in the
" mean time of living quietly and peaceably
" under them. We have no reaſon therefore
" to believe that the Impoſers of this Engage-
" ment who have acted the parts of the greateſt
" politicians ſo perfectly and ſucceſsfully hi-
" therto, as to poſſeſs themſelves ſo fully of
" the ſupreme power of ſo great and flouriſhing
" a kingdom in ſo few years, would be ſo im-
" politic as not to proceed by the ſame rules,
" that all wiſe and ſucceſsful perſons have ever

" practiſed in the managing, and for the eſta-
" bliſhing of an acquired power."

Thus Dr. Sanderſon; who, among the wiſe and ſucceſsful politicians of that time, could not but have Cromwell in his thoughts; who had then gained ſuch an aſcendant, as to have the chief direction of all public affairs in his hands. And though [a] he was lately gone to Ireland, when the Engagement was enacted in its firſt form; yet it is moſt reaſonable to believe, that he had been conſulted, and would recommend the like temperament, as he himſelf had ſhown on a recent occaſion. [b] For in February 1648-9, the Houſe of Commons formed an oath for all who were to be admitted members of the Council of State, in which they were to declare: " That they approved of what the Houſe of Commons and the high Court of Juſtice had done againſt the King, and of their aboliſhing of kingly

[a] 1649, Aug. 13. Cromwell ſet ſail for Ireland. Sept. 5. There was a debate in the Houſe of a new oath and engagement to the preſent government, which was paſſed the next day for mayors, juſtices of the peace, and other officers. See Whitelock's Memorials, p. 424.

[b] Walker's Hiſtory of Independency. Part 2. p. 129, 130.

government

government and the Houſe of Peers, and that the legiſlative and ſupreme power was wholly in the Houſe of Commons." But Cromwell, who depended on other means for the advancement of his greatneſs, and wiſhed not to alienate thoſe, whom it was not neceſſary to offend, procured to have the oath ſo altered and qualified, as to expreſs only a promiſe of adherence to a Commonwealth, and fidelity to the Houſe of Commons, without any direct acknowledgement of their right, or approbation of what had been done by them. And it is highly probable, that his political moderation would influence thoſe, who were governed by him, in the wording of the Engagement.

As you know ſo well the hiſtory of thoſe times, I muſt now beg the favour of you to review your cenſure; and to conſider once more, whether the arguments, which Dr. Sanderſon urges from acknowledged principles of ſtate policy, and from matter of fact, for the probability of his opinion, "can be looked upon in no better light, than of an attempt to inſult the common ſenſe of all mankind."

Homo-

HOMOLOGISTES.

[a] It is too evident from the Doctor's own words in this very tract, that he did not believe his lower ſenſe to be the ſenſe probably intended, or indeed ſuch as would be allowed by the Impoſers.

WALTON.

If he was acquainted with the affair of General Fairfax, of which he could ſcarce be ignorant, he muſt more than believe, that the Impoſers would allow of a latitude of interpretation; he muſt know, that they had given it their ſanction. And if it appear to others, as it does to me, that there is ſome force in the arguments, which I have in part recited, it is but as equitable for you to think him ſincere in alledging them, as for me to believe, that you are ſerious in raiſing objections, the grounds of which I am unable to diſcern. What then has he let fall in ſome other part of his tract, clear and expreſs enough, to juſtify your peremptory charge of inſincerity upon ſo worthy a man?

[a] See Confeſſional, p. 309.

HOMO-

HOMOLOGISTES.

[a] " He intreats his correſpondent to take " care, that no copies of his paper ſhould " get abroad, leſt the potent party, ſays he, " in conſideration of ſome things therein " hinted, might think the words of the En- " gagement too light, and might thence take " occaſion to lay ſome heavier obligation upon " the royaliſts, in words that would oblige " to more.

" Could the Caſuiſt have entertained any " ſuſpicion of this ſort, had he really and " ſincerely thought the lower conſtruction was " the ſenſe intended by the potent party ?"

WALTON.

Was it not very natural, and prudent for a man in the power of his conquerors, to be fearful of giving them offence; and to be the more cautious, if he thought they had granted him ſome indulgence, leſt they ſhould recall it ? I may more fairly draw a concluſion, the very reverſe of what you deduce, from theſe words; and urge them as a further proof, that he really and ſincerely thought what he ſpoke.

[a] Confeſſional, p. 309.

For

For why this dread of a new Engagement obliging to more, but becauſe he was perſuaded, that the preſent did not oblige to more? Had he not proceeded in the integrity of his heart in conſidering the caſe before him, but been reſolved to "provide ways of eſcaping" the force of every Engagement which the potent party could deviſe; he had no reaſon to be afraid of one more particular and explicit; for [a] "a longer muſt be capable of ſtill more conſtructions. It had been a ſort of ſlacker rope, on which a nimble practicer might have ſhown more feats of activity. But Biſhop Sanderſon was not ſuch a practicer upon his own or other men's conſciences. He might err in judgement, [b] "but in his ſpirit there was "no guile."

HOMOLOGISTES.

This ſpirit without guile does not ſo much appear in the preſent inſtance. For if he had proceeded with his queriſt, as "conſcience and good faith require," "The [c] ſhort and "true anſwer to the queſtion had been, If "you are under any uncertainty, concerning

[a] Confeſſional, p. 303. [b] Life of Sanderſon, p. 52,
[c] Confeſſional, p. 303.

"the

" the meaning of any expreſſions in the " Engagement, conſult the impoſers and go- " vern yourſelf by their interpretation."

WALTON.

If this is ſpoken in the ſpirit, as it is with the air, of infallibility, what more can be ſaid for Dr. Sanderſon, than that in giving his opinion, in the moſt queſtionable part, he gives it modeſtly, and humbly? And on this conſideration perhaps " a good natured man would throw a cloak over it."

HOMOLOGISTES.

Yes, " if he could find one large enough to cover it." But in our looms they are not woven to ſuch extenſion.

WALTON.

Let us then ſee whether it ſtand in want of this covering, or need bluſh to appear in open day light. The principle, on which he proceeds, is firſt laid down in general to this purpoſe:

[a] " If the intention of the Impoſer be not " ſo fully declared by the words and the na- " ture of the buſineſs, but that the ſame

[a] Caſe, p. 98.

" words may, in fair conſtruction, be ſtill " capable of a double meaning, ſo as, taken " in one ſenſe, they ſhall bind to more, and " in another to leſs; I conceive in ſuch caſe, " it is not neceſſary, nor always expedient " (but rather for the moſt part otherwiſe) for " the promiſer, before he give faith, to de- " mand of the impoſer, whether of the two " is his meaning? But he may by the rule of " prudence, and that (for ought I ſee) with- " out the violation of any law of conſcience, " make his juſt advantage of that ambiguity, " and take it in the ſame ſenſe, which ſhall " bind to the leſs."

But before he applies this principle to the Engagement, he ſuppoſes the ambiguity to be not accidental, but deſigned by the framer of the oath. And in this caſe he is clear, and deciſive in his opinion.

[a] " If, ſays he, it ſhall happen (as often it cometh to paſs, when we have to deal with cunning men, and may poſſibly be the caſe now, and undoubtedly was ſo in the buſi- neſs of the Proteſtation, when the time was)

[a] Caſe, p. 99.

That

That he, that requireth the faith to be given, do of purpoſe ſo contrive words, that there may be left an ambiguity, and latitude of ſenſe therein; yea, and that it be very probable, and in a manner apparent (upon the conſideration of the point of intereſt, or other ſtrong preſumptions ariſing from circumſtances or otherwiſe) even to the apprehenſion of the promiſer himſelf, that he hath ſome further reach in requiring that promiſe from him, ſome more remote and ſecret intention, than he is willing to diſcover; in that caſe what is to be done? I anſwer, that the promiſer in ſuch caſe is no ways obliged, in giving his faith, to take notice of any ſuch ſecret intention; but is at liberty to make uſe of that latitude of ſenſe, which the other did rather chuſe to leave undetermined, than reſtrain; and ſo to turn the others cunning dealing to his own advantage, by taking it in the more favourable conſtruction, and that which bindeth to leſs. For it is *the declared intention* only (namely, That which the words, according to the common uſe of ſpeech, do in relation to the nature of the ſubject moſt naturally and properly repreſent to the underſtanding of

reaſonable men, when they hear them) and not the remote, ſecret, and *reſerved intent*, which the promiſer is obliged unto. The reaſon whereof is manifeſt; becauſe he, that requireth faith to be given from another by words of his own contriving, is ever preſumed ſo to have determined the ſenſe thereof, in the contrivance of the words, as may ſufficiently declare, what he intendeth, the promiſer ſhould aſſure him to perform. If therefore he have not ſo determined the words, as to ſignify *the more*, it is in all reaſon to be preſumed, that he intendeth to oblige him but to *the leſs*. For being at liberty to make his own choice of words, whereby to expreſs his own meaning; who can think otherwiſe, but that he would make the choice with reſpect to his own intereſt? And therefore though he might have a ſecret deſire, which he is loth to diſcover, that the promiſer ſhould be bound to *the more*, and would be marvellouſly well pleaſed, that he ſhould ſo underſtand the words, as if they intended to bind him to *the more*: yet ſince it had been ſo eaſy a matter for him, by adding or altering a few words, to have declared that intent, if he had thought it

conducible

conducible to his own ends; it will be presumed also, that it was out of respect of self-interest, that he forbare so to do, and chose rather to leave his meaning in such general words, as will not exclude the sense, which bindeth but to *the less*; and consequently that his declared intent obligeth to no more but to *the less only*.

I have now, Sir, given you Dr. Sanderson's determination of the point, when it is thus circumstanced, with his reasons at large. And I am not disposed to contest the justness of his decision, till I hear better arguments against it, than what he hath offered for it. With such you have not yet furnished me. *

But suppose for a while, that it had been right to advise with the imposers of the Engagement, if reasonable satisfaction might be had concerning the meaning of it, are you sure that such satisfaction could be obtained by consulting them?

* Bp. Sanderson proposes and answers a question about consulting the imposer of an oath, first in a general way, and then secondly under a certain limitation. Some pains are taken in the Confessional to combat his opinion in the former instance, but no notice is taken of it in the latter. Yet it is here only, that he is solicitous to maintain his doctrine, or positive in affirming it.

HOMOLOGISTES.

[a] "Cases might have happened, where the "intention of the imposer was doubtful, and "where the imposer himself could not be "come at. In the present instance the im-"posers were living, easily found, and ca-"pable of explaining their own meaning "with the greatest precision."

WALTON.

I know you are too much the friend of reason to expect, that I should abide by mere authority, great even as your own.

Let us examine a little how the matter is. The queriſt muſt have conſulted the impoſers either in Parliament, or out of it. But before you ſend him to the Parliament for ſatisfaction, you ought to be well aſſured that they did not originally intend a latitude in the ſenſe of the Engagement, or at leaſt had not eventually declared ſuch a latitude. If they intended it originally, they would hardly have been more explicit with our queriſt. That they had eventually declared it, is evident. The vote, which they had paſſed relating to General

[a] Confeſſional, p. 304.

Fairfax,

Fairfax, was either an explication of what was firſt deſigned, or elſe a grant of more liberty to the ſubject; a vote of the Houſe of Commons being then a law of the realm; for they had conſtituted themſelves the three eſtates, the whole legiſlature, and great name, of England. You ſhould ſhow me alſo, that it is uſual for a private perſon to apply to the legiſlature, that they would be ſo good as to ſatisfy his doubts, and reſolve him more explicitly, what they mean by the ſtatute, which they have enacted. This, I preſume is not often done. But whatever propriety there might have been in doing it at firſt, it appears to me, that the ſeaſon for it was over.

"Will you ſubſcribe the Engagement, or will you not? Determine ſpeedily; * for the matter will admit of no more delays." This was the language, I apprehend, in which it was now tendered to the queriſt. He muſt therefore have conſulted the impoſers of it ſeverally. But have members of the legiſlature a right, out of Parliament, of fixing the ſenſe of a law? Do lawyers conſult them, or judges

* See below.

appeal

appeal to them, if a doubt ariſe upon a new ſtatute, for their authoritative deciſion of it? If one member of that Parliament had a right to aſcertain the ſenſe of the Engagement, the ſame right had another. And in conſequence of conſulting ſeveral of them, a man might have found himſelf obliged to contradictory acts of obedience. They, who deſigned that the civil power of Parliament ſhould predominate, entertained one idea of the new republic, and of the adequate object of the people's obedience; [a] and the military men, who intended to govern people and parliament by the army, another.

The great lawyers, who wiſhed that the ancient laws might govern, required a mixture of Monarchy. Some, under the ſpecious name of Parliament, meant only their own power and that of a few others, which they purpoſed to perpetuate, and, like the thirty tyrants of Athens, to fix it upon the ruins of the old conſtitution, and in excluſion of their fellow-

[a] "The chief members of the army were the chief leading men, both in the Houſe of Commons and Council of State," Warwick's Memoirs, p. 362.
See alſo, Walker's Hiſt. of Independency, Part 2. p. 138.

citizens.

citizens. [a] Others, we may ſuppoſe, more generous and patriotic, thought it equitable, that a free people ſhould from time to time exerciſe a right of chooſing their governors. Theſe parties of the Impoſers, according to their ſeveral views, would have given explications of what they meant by the Commonwealth, and the meaſure of obedience due to it, much more oppoſite to each other, than what Dr. Sanderſon hath "ſqueezed out." And this great preciſion, ſo confidently expected from them, would probably have ended in the greater perplexity of the queriſt.

HOMOLOGISTES.

It cannot however be denied, [b] if we compare what Dr. Sanderſon ſays about the Engagement with what he had taught concerning the Covenant, that he is little conſiſtent with his own judgement four years before, [c] when he declared: That to take the Covenant in our own ſenſe, contrary to the deſign of the Covenant, or with ſuch ſalvoes,—as far as lawfully I may—as is agreeable to the word of God,

[a] See Whitelock's Memorials, p. 443. under Feb. 26.
[b] See Confeſſional, p. 300. [c] Ibid. p. 301.

and the laws of the land—ſaving all oaths by me formerly taken, &c.—was utterly unlawful. * * * *

[a] " If the Parliament would have allowed " of, or connived at, theſe ſalvoes (as I think " the Oxford men took it for granted) we ſee " here was the *mens imponentis*, the tacit con- " ſent at leaſt of the impoſers, on the ſide of " thoſe, who took it with theſe reſerves. And " yet we find theſe caſuiſts were not for ma- " king uſe of this indulgence, becauſe contrary " to the plain and expreſs words, as well as " the deſign, of the Covenant. They accord- " ingly condemn the practice, as jeſuitical, " full of vile hypocriſy, perverting the nature " and end of an oath, abuſing the end of " ſpeech, and highly ſcandalous to the pro- " teſtant name."

WALTON.

If by the Oxford men you underſtand thoſe who compoſed the judgement of the Univerſity, it appears to me, that they had no ſuch thing in view as the avowed or tacit conſent of the Parliament to the ſalvoes, which they condemn;

[a] Confeſſional, p. 302.

but

but designed to guard against mental reservation.—But perhaps you have somewhat further to urge in proof of Dr. Sanderson's inconsistency.

HOMOLOGISTES.

[a] "In the beginning of this case of conscience, the learned Doctor offers something, by way of showing that the solemn League and Covenant, being expressly contrary to the oaths of allegiance, was not lawfully to be taken by any man, who had taken such oaths, or was persuaded such allegiance was due. Which he seems to have mentioned, lest his Oxford divinity upon the Covenant should be applied to the case of the Engagement. The difference between these two cases, however, consists singly and solely in these probabilities he mentions, that the framers of the Engagement intended this lower sense, which, no doubt, he thought to be consistent with the querist's allegiance to King Charles."

WALTON.

All this from the mouth of so able an objector must certainly mean something; which

[a] Confessional, p. 308.

to the beſt of my comprehenſion is to this effect:

That the Engagement, which Dr. Sanderſon admitted of, was in reality as repugnant to his notions of allegiance, as the Covenant, which he had rejected. The difference between them, with regard to allegiance, conſiſting ſingly and ſolely in theſe his probabilities about the ſenſe of the former:

And that in order to make this ſenſe, that is, the lower ſenſe, of the Engagement paſſable, he hath recourſe to a method of interpreting an oath, which he had before condemned.

The queſtion then is, not whether he differed from other good and worthy men in the opinions, which he held on either occaſion, but whether he diſagreed with himſelf?

[a] The Engagement, in the lower ſenſe, was ſuch an oath as is taken by the citizens of a conquered town, which binds them to a peaceable ſubmiſſion to their new maſter; and, while he continues ſo, reſtrains them from giving any aſſiſtance to their former. But if their town is reconquered, or ceded back, the

[a] Caſe, p. 103.

new

new obligation ceaſes, and the duty of allegiance again becomes operative.

Whether a good ſubject, who had taken the oaths to King Charles and his heirs, might act this neutral part, in order to preſerve his family and fortunes, was here the queſtion: which if Dr. Sanderſon ſeem to yield to the queriſt, it is certainly a very different conceſſion from the admitting of the Covenant, which had engaged the ſubject in an actual reſiſtance of his ſovereign, and, according to Sanderſon's ideas, had an aptneſs and tendency ſo to do. Charles I. [a] as he urges in "his Oxford divinity," had by proclamation forbidden the taking of the Covenant; but Charles II. as he intimates in this tract, did tacitly allow the ſubſcribing of the Engagement. And does all this make no difference between theſe two caſes, but what conſiſts ſingly and ſolely in theſe probabilities he mentions?

The meaning of the Engagement being examined, and the lower ſenſe of it eſtabliſhed upon grounds of the greater probability, a queſtion occurs: Whether a royaliſt was ſufficiently

[a] Judgement of the Univerſity of Oxford. Sect. II.

warranted

warranted by this greater probability to ſubſcribe it without conſulting the impoſers? In reaſoning upon which, does Dr. Sanderſon now deny, that an oath is to be taken * according to their declared intention; or had he before aſſerted, that it was always neceſſary to conſult them, in what ſenſe they would chooſe to have it taken? Where then is his inconſiſtency with his own principles, in being deciſive againſt the Covenant, and dubious about the Engagement?

HOMOLOGISTES.

Say, if you will, dubious. But it is certain, [a] he, good man, had taken no ordinary pains, that his queriſt ſhould have no doubts or ſcruples about it. And then he concludes his caſe thus: "If any man out of theſe conſiderations rather than ſuffer——

WALTON.

For once, Sir, pardon me, if I interrupt you ſpeaking; and, if you will have the concluſion of the caſe, give me leave to repeat it intire; that we may have a little further help for judging, whether Dr. Sanderſon's own

* See Caſe, p. 97. [a] See Confeſſional, p. 310.

words

words and ſentiments give us altogether the ſame idea of him, which you have ſuggeſted.

[a] " Out of all theſe premiſes together " ([b] weighing [*read* waving] my poſitive con- " cluſion, either affirmative or negative, touch- " ing the lawfulneſs or unlawfulneſs of the " ſubſcribing in univerſali) I ſhall declare my " opinion only in theſe few following particulars:

I. " That it is not lawful for any man to " take the Engagement with a reſolution to " break it:

II. " That therefore, whoſoever thinketh " the words of the Engagement do contain a " promiſe of any thing, which is not lawful " for him to perform, cannot take it with a " good conſcience:

III. " That whoſoever ſo underſtandeth the " words of the Engagement, as if they did " oblige him to any thing contrary to his al- " legiance, or render him unable to act ac-

[a] Caſe, p. 110.

[b] In the edition of 1668 the word is *waying*; in the following editions it is altered to *weighing*. But the eaſier, and certainly the right, emendation is *waving*; the ſenſe of which is expreſſed by the Latin Tranſlator:

" Ut nequid poſitivi ſive affirmando ſive negando concludam, utrum in univerſali liceat ſubſcribere vel non liceat."

" cording

" cording thereunto, upon any ſeaſonable
" emerging occaſion, cannot with a good
" conſcience take it:

IV. " That if any man for any temporal
" benefit, or avoiding any temporal damage,
" ſhall take the Engagement with a doubting
" conſcience (that is, before he is perſuaded
" in his judgement, upon ſome probable
" ground of reaſon, that it is lawful for him
" ſo to do) he ſinneth therein:

V. " That if any man after a ſerious deſire
" of informing himſelf as rightly as he can,
" what are the duties of his allegiance on the
" one ſide, and what is moſt probably the
" meaning intended by the words of the En-
" gagement on the other ſide, ſhall find him-
" ſelf well ſatisfied in this perſuaſion, that the
" performance in the mean time of what is
" required by the Engagement, ſo underſtood,
" is no way contrary (for any thing he can
" diſcern for the preſent) to his bounden *alle-*
" *giance*, ſo long as he is under ſuch a force
" as that he cannot exerciſe it, and likewiſe
" that whenſoever that force is ſo removed
" from him, or he from under it, as that he
" hath power to act according to his *allegiance*,

" the

" the obligation of the Engagement of itſelf
" determineth, and expireth: and out of theſe
" conſiderations, rather than ſuffer extreme
" prejudice, in his perſon, eſtate, or neceſſary
" relations, ſhall ſubſcribe the Engagement:
" ſince his own heart condemneth him not,
" neither will I."

HOMOLOGISTES.

Thus inſtructed, there is little queſtion to be made, but that the prejudiced queriſt took the Engagement, while many of the Preſbyterians refuſed it. And indeed, [a] " if we may be-
" lieve Dr. Calamy, they were more ſcrupu-
" lous about taking it than the Epiſcopalians.
" The famous Mr. Richard Vines was, for
" refuſing that ſecurity, put out of the head-
" ſhip of Pembroke Hall in Cambridge, as
" was Dr. Rainbow at another College in the
" ſame Univerſity. [b] Dr. Reynolds forfeited

[a] Confeſſional, p. 311. Note.

Dr. Calamy's words, V. 1. p. 63, of his Abridgment of Mr. Baxter's Life, are: " But the moderate church party,
" and the preſbyterians, refuſed it." And Dr. Rainbow is an inſtance of the former ſort. See Walker's Sufferings of the Clergy, Part 2. p. 151.

[b] What Dr. Calamy here ſays concerning Dr. Reynolds is true, but not the whole truth; a part of what Mr. Baxter himſelf hath related being ſuppreſſed:

" the Deanery of Chriſt-Church, Oxford, on
" the ſame account. (Abridgment, 62. 63.)
" Mr. Baxter, we are told (ibid. 104.) diſſua-
" ded men from taking it, wrote againſt the
" taking it, and declared to thoſe, who were
" for putting quibbling conſtructions on it,
" that the ſubjects allegiance, or fidelity to his
" rulers, could not be acknowledged and given
" in plainer words * * * But let us not forget
" the excellent Dr. Barrow on this occaſion,
" who, when the Engagement was impoſed,
" ſubſcribed it; but, upon ſecond thoughts,
" repenting of what he had done, he applied

" Poor Dr. Reynolds had the hardeſt meaſure; for when
" he refuſed to take the Engagement, his place was forfeited;
" and afterwards they drew him in to take it in hopes to
" keep his place (which was no leſs than the Deanery of
" Chriſt-Church) and then turned him out of all, and offered
" his place to Mr. Joſ. Caryl; but, he refuſing it, it was
" conferred on Dr. Owen, to whom it was continued from
" year to year." Baxter's Life, Part I. p. 64.

Mr. Baxter declared very early againſt taking the Engage-
ment; for he tells us, ib.: " The firſt hour that I heard of
" it, being in company with ſome gentlemen of Worceſter-
" ſhire, I preſently wrote down above twenty queries againſt
" it, &c." This was before the Houſe of Commons had
given their ſanction to Fairfax's manner of taking it. Had
he decided nothing, till this event had happened, and pro-
perly attended to it, he might perhaps have been leſs pe-
remptory in his judgement.

" himſelf

" himſelf to the Commiſſioners, declared his " diſſatisfaction, and prevailed to have his " name razed out of the liſt."

WALTON.

From my heart I commend every honeſt man of every denomination, who prefers his conſcience to his fortunes; or with decency declares againſt what his judgement tells him is unlawful. In particular, I admire the integrity of Dr. Barrow, as expreſſed in his life, and, together with genius, learning, and piety, all ſuper-eminent, in his writings.

HOMOLOGISTES.

[a] " Moſt people will think Barrow as good " a caſuiſt as Sanderſon."

WALTON.

And many, I believe, will eſteem Sanderſon as good a caſuiſt as Barrow, in the point where the compariſon lies between them, that is, in their behaviour on this occaſion. For Dr. Sanderſon himſelf [b] refuſed to ſubſcribe the Engagement, or to put the allegiance, which he thought he owed his Sovereign, under any

[a] Confeſſional, p. 312. Note.

[b] See Bp. Morley's Tracts, in his Anſwer to Father Creſſey's Letter, p. 15. Biograph: Britan. in Sanderſon.

reſtraints.—Deprived of his profeſſorſhip, obnoxious to the potent party, inſulted and plundered by their ſoldiers, incumbered with a family, declining in age, he bore with ſubmiſſion and peace of mind the long continuance of his diſcomforts. [a] For it was not two years before the Reſtoration, that Mr. Robert Boyle became acquainted with his worth, or at leaſt with his wants, which he then contrived in a very genteel manner to alleviate. Mr. Boyle, [b] "a gentleman of a very noble birth, and "more eminent for his liberality, learning, and "virtue," had his talents for caſuiſtical Divinity in as much eſteem, as the great Archbiſhop Uſher, who thus expreſſed his opinion of him: [c] "I propoſed the caſe to the judi- "cious Dr. Sanderſon, who graſped all the

[a] "In the year 1659 Mr. Boyle being acquainted with the "circumſtances of the learned Dr. Robert Sanderſon, after- "wards Biſhop of Lincoln, who had loſt all his preferments "on account of his attachment to the royal party, he con- "ferred upon him an honorary ſtipend of fifty pounds a year. "This ſtipend was given as an encouragement to that excel- "lent maſter of reaſoning to apply himſelf to the writing of "*Caſes of conſcience.*" Dr. Birch's Life of Mr. Boyle, p, 121. 8vo.

[b] Walton's Life of Bp. Sanderſon, p. 38.

[c] David Lloyd's Memoirs of excellent Perſonages. p. 536. Fol,

"circum-

" circumſtances of it, and returned that happy
" anſwer, that met all my thoughts, ſatisfied
" all my ſcruples, and cleared all my doubts."

HOMOLOGISTES.

So happy a faculty of ſatisfying ſcruples, and clearing doubts, one would think, might have been better employed, than in teaching the Cavaliers and Preſbyterians to temporize, [a] " by paſſing through the Engagement, which in its obvious meaning would not go down with numbers of them."

WALTON.

It is not probable, that a perſon of ſtrict virtue and piety from his early days, and now in his grand Climacteric, would ſubmit to do what you diſdain: that he, who had ſacrificed the world to his own conſcience, would tempt his friends to ſacrifice theirs to the world; or would expect a bleſſing from the great Diſpoſer of all things, whom he ſet always before him, upon unjuſtifiable means of promoting any cauſe whatſoever. But if theſe are only probabilities, let a plain tale be now offered on my part:

[a] See Confeſſional, p. 311.

In

[a] In September 1649, the Parliament paſſed an act for adminiſtering an oath to mayors, juſtices of the peace, and other officers, which was conceived exactly in the words of the Engagement, only with the addition of a promiſe, "well and truly to execute their reſpective magiſtracies or offices."

The Parliament next ordered the Engagement to be taken by the army.

[b] Towards the end of December in the ſame year the act was paſſed, and was publiſhed in the [c] beginning of the next month: "For taking the Engagement by all perſons throughout the kingdom, with a penalty upon the refuſers: thoſe in office or public employments to loſe their offices; others not to have the benefit of law to ſue in any court."

This act immediately affected all perſons in office or public employments, who muſt either reſign their places, or ſubſcribe the Engagement. It was a critical time with thoſe, who wiſhed to reconcile their poſts of truſt and power with the Engagement. Yet Dr. Sanderſon, cautious of giving any opinion, left them to the direction

[a] Whitelock's Memorials, p. 424. [b] Ib. 436. [c] Ib. 437.

of

of their own conſciences in taking or refuſing it. * Others wrote on each ſide of the queſtion, while he was ſilent.

[a] But in October, 1650, order was ſent for the ſeveral committees to tender the Engagement to the inhabitants of the ſeveral pariſhes, and to return the names of the ſubſcribers to the Lords Commiſſioners of the great Seal.

This was the firſt inſtance of tendering the Engagement; which was thus brought home to the conſciences of private perſons, who had no office or employment, but only their own property at ſtake. The order, being executed with ſome rigour, appears to have occaſioned the caſe and anſwer in queſtion.

A royaliſt deſirous of avoiding extreme prejudice to his perſon, eſtate, and family, by taking the Engagement, if lawfully he might,

* Among the tracts compoſed at that time on the ſubject of the Engagement, Dr. Sanderſon mentions one, of which he gives this account: "I acknowledge to have received much "light and ſatisfaction from a diſcourſe written by a learned, "judicious, and pious friend, whereof I lately had the peru-"ſal; but for ſome reaſons, not thought fit to be publiſhed." Caſe, p. 96.

[a] Whitelock's Memorials, p. 475.

diſpatches

diſpatches [a] an expreſs meſſenger on a journey of ſeveral days, in the depth of winter, to Dr. Sanderſon, with ſome queſtions concerning the Engagement, earneſtly requeſting an anſwer to them. Friendſhip, and indeed common humanity, required, that an anſwer ſhould be returned; which was accordingly done December 20th, 1650, and the purport of it hath been ſufficiently ſeen.

And now, where is this encouragement given to the friends of the exiled King to prevaricate? If they had diſliked the terms of retaining their poſts, the thunder of the Engagement had already ſpent its ſhafts upon them. Did he then, in his zeal for the monarchy, let them go out of power, to try if he could perſuade them to come in again? Or, having ſeen the evil of paſt ſcruples, did he mean to provide a remedy for the future? If this caſe had been in the hands of every royaliſt throughout the kingdom, could any one of them, who put his conſcience under Dr. Sanderſon's direction, have found encouragement in it to take the Engagement for the ſake of public

[a] See the Caſe, p. 89.

employment?

employment? I am perſuaded, not: if he well weighed the concluding part, and would be reſtrained by the limits there fixed. For Dr. Sanderſon having ſet forth allegiance as a conſtant duty of the ſubject to his ſovereign, and conſidered the Engagement as ſuſpending the actual exertion of this duty, in concluſion ſuppoſes the queriſt to ſubſcribe it only on account of preſerving his family and private fortunes. And hence they, who would abide ſtrictly by his judgement, muſt think themſelves precluded from putting their allegiance into theſe fetters for the ſake of obtaining honours and profit.

But was his determination of the caſe in fact ſo notorious, or intended to be ſo? It was contained in a private letter, extorted from him by the intreaties of a friend, and [a] ſent under an injunction of not letting any copy of it go forth. Could ſuch a letter, whatever the contents of it had been, come under the notion of a diſpenſation deſigned [b] for general

[a] See Caſe, p. 112.

[b] An edition of *Five caſes of conſcience* determined by Biſhop Sanderſon had an Imprimatur in 1665; and was printed in 1667; but the *Caſe of the Engagement* was not in this

 edition,

uſe? [a] for ſo you repreſent the matter. But what diſpenſation does it grant even to the ſingle perſon to whom it is addreſſed; unleſs it be, that in a doubtful caſe it allows him to be directed by his own conſcience, rather than by the conduct of his adviſer? Of ſuch diſpenſations St. Paul himſelf ſeems to approve.

HOMOLOGISTES.

Paul undoubtedly does ſay, [b] "Who art "thou that judgeſt another man's ſervant? To "his own maſter he ſtandeth or falleth."

WALTON.

Upon the whole then, I may juſtly ſay, that every part of what you have alledged againſt Biſhop Sanderſon is deſtitute of the Proofs, upon which ſuch an accuſation of any, much more of a juſt and good, man ought to be founded. And nothing can be laid to his charge in this inſtance, but that he felt more for the diſtreſſes of a friend, than his own; and was willing, if it could honeſtly be done, that

edition, probably becauſe it was leſs known among thoſe who reſpected his memory and writings; though the ſubject of it had once been of general importance to them.

[a] Confeſſional, p. 310, 311.

[b] Rom. xiv. 4.

this

this friend ſhould enjoy the benefit which he renounced, and eſcape the damage, to which he made himſelf liable by his nonſubſcription. If this was an infirmity, it ſeems to be the infirmity of a noble mind: if it was a wrong, yet, if your friend deſerve the character which you have given him of a candid judge, he will eaſily forgive him this wrong.

HOMOLOGISTES.

Whatever may become of Dr. Robert Sanderſon, I can certainly make good the character which I have given of my worthy friend's candour, even to a degree of that infirmity which you deem ſo noble. There was a certain ſet of worthies, whom he has alſo called before him, and might have treated with ſome ſeverity; becauſe among all their ſplendours as "ſons of "truth and liberty," they were "vulnerable "in one point." But he hath not taken the advantage, which was taken of the ſon of Thetis, who through the fault of his [a] "vene-"rable mother" being mortal alſo in one part, as the Poets feign, was there transfixed. Unwilling to tarniſh the laurels which they

[a] Iliad. B. xxiv. v. 126. Thetis is ſtiled Πολια μητηρ, or venerable mother.

had gained, he gently ſhows them their errors without cenſure of their characters; lamenting only with a certain fatherly tenderneſs, that they ſhould have obtained wealth and dignities in the church [a] "on conditions which "muſt have been impoſed upon them with "ſome violence to their inclinations."

WALTON.

A judge ſo flowing with generous compaſſion for worthies, who a little hurt their *inclinations* for their own advantage, could not fail of extending his lenity to the good Biſhop, if he too had done ſome ſmall violence to his *inclination*, on the more diſintereſted motive of aiding a friend.

HOMOLOGISTES.

I doubt, Sir, your good Biſhop has not merited this indulgence, by appearing with theſe worthies in the field where their laurels were reaped.

WALTON.

Of that, Sir, you are the beſt judge. He certainly was always ſeen under the ſtandard of the church of England, of which he was a

[a] Confeſſional, p. 202, 203.

pretty

pretty ſtrenuous defender. And there are many paſſages in his works, that appear worthier of your notice, as ſtanding in direct oppoſition of your grand deſign, in which this Caſe ſeems to be totally unconcerned. It was no reſcript againſt pious reformers, or reformation; nor hath the church of England, that I know, adopted it into her articles, liturgy, or homilies. But perhaps the operations of your campaign have ſome nice dependence on the aſſault of this little fortreſs, which my apprehenſion is too dull to perceive.

HOMOLOGISTES.

If experience of the world [a] in a life of ninety years did not teach you a little wiſdom, I may well deſpair of doing it. To diſcover and attack the weakneſſes of the adverſe party, however remote from the ſcene of action, is an advantage not to be loſt.

WALTON.

And if the advantage is taken of thoſe who are numbered with us, it may ſave the fear of repriſals, and trouble of defences. We are peacefull and unenterprizing; and if our aſhes

[a] Life of Iſaac Walton, prefixed to *The complete Angler*, Ed. of 1760, p. xlviii.

are

are diſturbed, they ſo remain, unleſs ſome one of the living, haply with more pity than ſkill, endeavour to compoſe them.

HOMOLOGISTES.

I know no priviledge belonging to your ſtate, that ſhould exempt you from cenſure, provided it is paſſed upon you with that ſacred regard to truth and charity, in repreſenting every thing fairly and candidly, which is our invariable rule.

WALTON.

But if a character has been edifying to the Chriſtian Church by probity of manners, and ſanctity of life, with one or two ſpots in it not eaſily perceptible but to microſcopic eyes, ſuch as for argument's ſake we will admit Biſhop Sanderſon's character to have been, is it either fair or candid, or for the intereſt of religion, to hide the luſtre and magnify the ſpots?

HOMOLOGISTES.

Not perhaps for the intereſts of a particular church; but a church and religion are different things; [a] "the word for religion in the

[a] Confeſſional, Pref. to the firſt edit. p. xxxvi. Concerning the accuracy of this learned criticiſm, ſee p. 58 of *A Letter to the Author of the Confeſſional, containing remarks on his preface to the Firſt Edition.*

Greek

" Greek Teſtament is θρησκεια, which is no
" where appropriated to a formed eſtabliſhed
" church. Paul ſpeaks of ſects in the Jewiſh
" religion, ſome of which were juſt as much
" eſtabliſhed, as the Preſbyterians and Quakers
" are in England. James defines pure and un-
" defiled religion before God and the Father,
" in terms which ſhew that ſuch religion may
" be practiſed and conformed to, where there
" neither is, nor ever was, an eſtabliſhed
" church."

How then does " this ſort of religion," that is, θρησκεια, ſuffer, by what may affect the members of an eſtabliſhment?

WALTON.

I perceive, Sir, that to your other great attainments you have added a critical ſkill in Greek. You are now getting beyond the depth of a plain man; who either did not profit ſo much by his intercourſe with the learned, or had not acquaintance among them ſo profound as yours.

HOMOLOGISTES.

I muſt indeed take ſhame to myſelf if I am not a little improved by the inſtructions of a gentleman ſo " eminent and liberal ſpirited," whoſe

whoſe erudition is equally extenſive and exact; not collected from other mens collections, but drawn from the ſources of ſcience. If you delight in the converſation of thoſe "to "whom talents are vouchſafed," or are curious in the true and impartial hiſtory of the national church, or ſtudious of learning new wiſdom from the wiſe: ſtay, and I will willingly introduce you into our conſiſtory.

WALTON.

The offer certainly is inviting, Sir, and claims my acknowledgements. But I trace many ſteps of men of my complexion going thither, and but few coming back. And my eſteem for the eſtabliſhed church, and for ſeveral perſons, whom I conſidered as ornaments of it for learning, piety, and orthodoxy, hath been a tranſgreſſion of ſuch magnitude, that though it is remitted in heaven, I know not whether it may not be retained on earth.

HOMOLOGISTES.

It is indeed a ſort of reſerved caſe, but I will uſe my intereſt in your favour.

WALTON.

I ſhall depart with a juſt ſenſe of your goodneſs; but I have a further reaſon why I cannot avail

avail myſelf of it. By this time I hope my friend the Biſhop is releaſed from his examination; and then I have an appointment with a perſon, to whoſe memory I once "dedicated "an humble monument," very unequal to his merit; I mean the judicious Hooker.

HOMOLOGISTES.

I am not a ſtranger to his name.

WALTON.

I wiſh, Sir, it had been in my power to have brought you better acquainted with him.

HOMOLOGISTES.

I muſt have followed the example of your civility in declining the favour, and upon the like grounds. Our politics in ſacred matters do not altogether accord.

WALTON.

This would not have made you unacceptable to him. The [a] "ſweet ſerene quietneſs of Mr. "Hooker's nature" diſpoſed him to quarrel with no man, much leſs with the well intentioned, for difference of judgement. During his pilgrimage on earth, there was a pleaſing ſimplicity in his manners, tempered with the humble and edi-

[a] Walton's Life of Mr. Hooker, p. 12.

ſying graces of a chriſtian: he was bleſt with a clear, and ſtrong, and comprehenſive, reaſon; and diſcourſed with a [a] "meekneſs and majeſty "of ſtile." But that influence from the holy fountain of light and love, which in his preſent place he is abler to receive, hath exalted what was lovely and excellent in him. His ſoul is charity, his ſpirit wiſdom, and his voice eloquence.

HOMOLOGISTES.

Do you expect to hear him diſcourſe on any particular ſubject?

WALTON.

Yes. [b] "He has been meditating the num-"ber and nature of Angels, and their bleſſed "obedience and order, without which, he ſays, "peace could not be in heaven; and oh that "it might be ſo on earth!"

[a] Walton's Life of Mr. Hooker, p. 28.

[b] In this contemplation Dr. Saravia found Mr. Hooker engaged, when he came to viſit him a little before he expired. Ib. p. 40.

FINIS.

MVSEVM BRITANNICVM

ERRATA.

PAGE 17, *line* 16, *for* inded *read* indeed.
22, —— *ult.* *for* 362, *read* 355, 356.
25, —— 14, *for* had *read* has.
26, *note*, *read* Chancellors.
32, *line* 11, *after* conſtructions *add* "
34, —— 20, *continue the inverted commas to page* 37, *line* 8.
36, —— 9, *after* intendeth *dele* ,
39, —— 12, *after* preſume *add* ,
40, *note*, *line* 3, *for* 362 *read* 363.

E R R A T A.

Page 17, line 16, for indel read indeed.
22, —— ult. for 36s. read 35s. 35d.
25, —— 11, for had read hath.
36, note, read Chancellor.
52, line 11, after conflictions add "
54, —— 20, continue the reported counsel
to page 57, line 8.
56, —— 9, after intended add "
59, —— 12, after prelums call "
60, note, line 3, for 36s read 36d.